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2007 AUG 28 AM 8:56

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY CP DEPUTY

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

FARM WATER TECHNOLOGICAL  
SERVICES, INC., d/b/a WATER TECH., a  
California corporation, and C.B.J.T., Inc., d/b/a  
AGRICULTURAL SUPPLY, a California  
corporation, On Behalf of Themselves and All  
Others Similarly Situated,

Plaintiffs,

v.

ARKANSAS BEST CORPORATION,  
AVERITT EXPRESS, CON-WAY, INC.,  
FEDEX CORPORATION, JEVIC  
TRANSPORTATION, INC., SUN CAPITAL  
PARTNERS IV, LLC, NEW ENGLAND  
MOTOR FREIGHT, INC., R+L CARRIERS,  
INC., SAIA, INC., UNITED PARCEL  
SERVICE, INC. and YRC WORLDWIDE INC.,

Defendants.

CASE NO. 07 CV 1389 BEN (RBB)

**ORDER ON JOINT MOTION AND  
STIPULATION RE RESPONSE TO  
COMPLAINT**

1 Based on the Parties' Joint Motion And Stipulation Re Response To Complaint, and good  
2 cause having been shown:

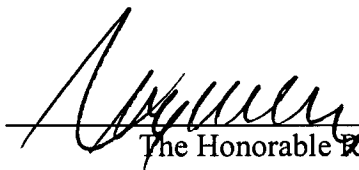
3 IT IS HEREBY ORDERED THAT:

4 1. The deadline for the Defendants to respond to the Complaint shall be extended until  
5 **October 15, 2007.**

6 2. Notwithstanding the above paragraph, should any defendant to whom this extension  
7 applies, respond to a complaint alleging price fixing of fuel surcharges for less-than-truckload truck  
8 shipments in another case prior to the date contemplated by this Stipulation, then such defendant shall  
9 make a simultaneous response to the Complaint in the above-captioned matter. In addition, should  
10 any Defendant respond or undertake to respond to discovery or otherwise engage in facilitation of  
11 case management in another case alleging price fixing of fuel surcharges for less-than-truckload truck  
12 shipments prior to the date contemplated by this Stipulation, then such Defendant shall engage in  
13 similar discovery or case management activity in this case.

14 3. By entering into the Stipulation Re Response To Complaint, an entity named as a  
15 Defendant in the above-captioned action does not waive any defense, including, but not limited to,  
16 the defense of lack of personal jurisdiction, improper venue, or improper service.

17 DATED: 8/27, 2007  
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The Honorable Roger T. Benitez  
United States District Judge  
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